

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Kevin P. Baker et al. Serial No.: Not Yet Assigned Filed: Herewith For: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME	Group Art Unit: Not Yet Assigned Examiner: Not Yet Assigned Express Mail Label No.: EV 016 017 508 US December <u>11</u> , 2001
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PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In the Specification:

Please insert the following new paragraph at page 1, line 2:

--RELATED APPLICATIONS

This is a continuation application claiming priority under 35 USC §120 to US serial number 09/946,374 filed 9/4/01 which claims priority under 35 USC §120 to US serial numbers: 09/218517, filed 12/22/98, now abandoned; 09/284291, filed 4/12/99, now abandoned; 09/403297, filed 10/18/99, now abandoned; 09/872035, filed 6/1/01; 09/882636, filed 6/14/01; and which claims priority under 35 USC §120 to PCT international application numbers: PCT/US99/00106, filed 1/5/99, now abandoned; PCT/US99/20111, filed 9/1/99; PCT/US99/21194, filed 9/15/99; PCT/US99/28313, filed 11/30/99; PCT/US99/28551, filed 12/2/99; PCT/US99/30095, filed 12/16/99; PCT/US00/00219, filed 1/5/00; PCT/US00/00376, filed 1/6/00; PCT/US00/03565, filed 2/11/00; PCT/US00/04342, filed 2/18/00, now abandoned; PCT/US00/05004, filed 2/24/00; PCT/US00/05841, filed 3/2/00; PCT/US00/06884, filed 3/15/00; PCT/US00/13705, filed 5/17/00;

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PCT/US00/14042, filed 5/22/00; PCT/US00/14941, filed 5/30/00; PCT/US00/15264, filed 6/2/00, now abandoned; PCT/US00/23328, filed 8/24/00; PCT/US00/23522, filed 8/23/00; PCT/US00/30873, filed 11/10/00; PCT/US00/30952, filed 11/8/00; PCT/US00/32678, filed 12/1/00; PCT/US01/06520, filed 2/28/01; PCT/US01/06666, filed 3/1/01; PCT/US01/17800, filed 6/1/01; PCT/US01/19692, filed 6/20/01; PCT/US01/21066, filed 6/29/01; PCT/US01/21735, filed 7/9/01; and which claims priority under 35 USC § 119 to US provisional application numbers: 60/098716, filed 9/1/98; 60/098723, filed 9/1/98; 60/098749, filed 9/1/98; 60/098750, filed 9/1/98; 60/098803, filed 9/2/98; 60/098821, filed 9/2/98; 60/098843, filed 9/2/98; 60/099536, filed 9/9/98; 60/099596, filed 9/9/98; 60/099598, filed 9/9/98; 60/099602, filed 9/9/98; 60/099642, filed 9/9/98; 60/099741, filed 9/10/98; 60/099754, filed 9/10/98; 60/099763, filed 9/10/98; 60/099792, filed 9/10/98; 60/099808, filed 9/10/98; 60/099812, filed 9/10/98; 60/099815, filed 9/10/98; 60/099816, filed 9/10/98; 60/100385, filed 9/15/98; 60/100388, filed 9/15/98; 60/100390, filed 9/15/98; 60/100584, filed 9/16/98; 60/100627, filed 9/16/98; 60/100661, filed 9/16/98; 60/100662, filed 9/16/98; 60/100664, filed 9/16/98; 60/100683, filed 9/17/98; 60/100684, filed 9/17/98; 60/100710, filed 9/17/98; 60/100711, filed 9/17/98; 60/100848, filed 9/18/98; 60/100849, filed 9/18/98; 60/100919, filed 9/17/98; 60/100930, filed 9/17/98; 60/101014, filed 9/18/98; 60/101068, filed 9/18/98; 60/101071, filed 9/18/98; 60/101279, filed 9/22/98; 60/101471, filed 9/23/98; 60/101472, filed 9/23/98; 60/101474, filed 9/23/98; 60/101475, filed 9/23/98; 60/101476, filed 9/23/98; 60/101477, filed 9/23/98; 60/101479, filed 9/23/98; 60/101738, filed 9/24/98; 60/101741, filed 9/24/98; 60/101743, filed 9/24/98; 60/101915, filed 9/24/98; 60/101916, filed 9/24/98; 60/102207, filed 9/29/98; 60/102240, filed 9/29/98; 60/102307, filed 9/29/98; 60/102330, filed 9/29/98; 60/102331, filed 9/29/98; 60/102484, filed 9/30/98; 60/102487, filed 9/30/98; 60/102570, filed 9/30/98; 60/102571, filed 9/30/98; 60/102684, filed 10/1/98; 60/102687, filed 10/1/98; 60/102965, filed 10/2/98; 60/103258, filed 10/6/98; 60/103314, filed 10/7/98; 60/103315, filed 10/7/98; 60/103328, filed 10/7/98; 60/103395, filed 10/7/98; 60/103396, filed 10/7/98; 60/103401, filed 10/7/98; 60/103449, filed 10/6/98; 60/103633, filed 10/8/98; 60/103678, filed 10/8/98; 60/103679, filed 10/8/98; 60/103711, filed 10/8/98; 60/104257, filed 10/14/98; 60/104987, filed 10/20/98; 60/105000, filed 10/20/98; 60/105002, filed 10/20/98; 60/105104, filed 10/21/98; 60/105169, filed 10/22/98; 60/105266, filed 10/22/98; 60/105693, filed 10/26/98; 60/105694, filed 10/26/98; 60/105807, filed 10/27/98; 60/105881, filed 10/27/98; 60/105882, filed 10/27/98; 60/106023, filed 10/28/98; 60/106029, filed 10/28/98; 60/106030, filed 10/28/98; 60/106032, filed 10/28/98; 60/106033, filed 10/28/98; 60/106062, filed 10/27/98; 60/106178, filed 10/28/98; 60/106248, filed 10/29/98; 60/106384, filed 10/29/98; 60/108500, filed 10/29/98; 60/106464, filed 10/30/98;

60/106856, filed 11/3/98; 60/106902, filed 11/3/98; 60/106905, filed 11/3/98; 60/106919, filed 11/3/98; 60/106932, filed 11/3/98; 60/106934, filed 11/3/98; 60/107783, filed 11/10/98; 60/108775, filed 11/17/98; 60/108779, filed 11/17/98; 60/108787, filed 11/17/98; 60/108788, filed 11/17/98; 60/108801, filed 11/17/98; 60/108802, filed 11/17/98; 60/108806, filed 11/17/98; 60/108807, filed 11/17/98; 60/108848, filed 11/18/98; 60/108849, filed 11/18/98; 60/108850, filed 11/18/98; 60/108851, filed 11/18/98; 60/108852, filed 11/18/98; 60/108858, filed 11/18/98; 60/108867, filed 11/17/98; 60/108904, filed 11/18/98; 60/108925, filed 11/17/98; 60/113296, filed 12/22/98; 60/114223, filed 12/30/98; 60/129674, filed 4/16/99; 60/141037, filed 6/23/99; 60/144758, filed 7/20/99; 60/145698, filed 7/26/99; 60/162506, filed 10/29/99, the entire disclosures of which are hereby incorporated by reference.--

In the Claims:

Please cancel Claims 1-27 without prejudice or disclaimer.

Please add new Claims 28-47 as follows.

--28. (New) An isolated nucleic acid having at least 80% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203287.

29. (New) The isolated nucleic acid of Claim 28 having at least 85% nucleic acid sequence identity to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203287.

30. (New) The isolated nucleic acid of Claim 28 having at least 90% nucleic acid sequence identity to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203287.

31. (New) The isolated nucleic acid of Claim 28 having at least 95% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203287.

32. (New) The isolated nucleic acid of Claim 28 having at least 99% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;

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(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203287.

33. (New) An isolated nucleic acid comprising:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203287.

34. (New) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54).

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35. (New) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide.

36. (New) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54).

37. (New) The isolated nucleic acid of Claim 33 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide.

38. (New) The isolated nucleic acid of Claim 33 comprising the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53).

39. (New) The isolated nucleic acid of Claim 33 comprising the full-length coding sequence of the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53).

40. (New) The isolated nucleic acid of Claim 33 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 203287.

41. (New) An isolated nucleic acid that hybridizes to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 32 (SEQ ID NO:54);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown

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in Figure 32 (SEQ ID NO:54), lacking its associated signal peptide;

- (e) the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 31 (SEQ ID NO:53); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203287.

42. (New) The isolated nucleic acid of Claim 41, wherein said hybridization occurs under stringent conditions.

43. (New) The isolated nucleic acid of Claim 41 which is at least 10 nucleotides in length.

44. (New) A vector comprising the nucleic acid of Claim 28.

45. (New) The vector of Claim 44, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

46. (New) A host cell comprising the vector of Claim 44.

47. (New) The host cell of Claim 46, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.--

REMARKS

Claims 1-27 have been cancelled. New Claims 28-47 have been added. Applicants respectfully request early entry of these new claims for prosecution in this application. The Examiner is invited to contact the undersigned at (650)225-4563 if any issues may be resolved in that manner.

Attached hereto is a marked-up version of the changes made to the and by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Respectfully submitted,
GENENTECH, INC.

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PATENT TRADEMARK OFFICE

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

A new paragraph beginning at page 1, line 2 has been added.

In the claims:

Claims 1-27 have been cancelled.

Claims 28-47 have been added.